

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ZMH,

Plaintiff,

v.

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT, et al.,

Defendants.

Case No. [3:19-cv-03840-JD](#)

**ORDER OF DISMISSAL**

Re: Dkt. No. 52

Plaintiff ZMH is a minor and lacks the capacity to sue on his own. *Johns v. Cty of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997). The Court appointed his mother as guardian ad litem, and she is attempting to litigate the case on ZMH's behalf. Dkt. No. 26. The guardian is not represented by an attorney, and our circuit has determined that "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." *Id.* Consequently, the case is dismissed without prejudice to filing a new action as circumstances permit. *Id.* at 877-78.

**IT IS SO ORDERED.**

Dated: February 1, 2021

  
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JAMES DONATO  
United States District Judge